

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK REESE, FRANCES ELAINE  
PIDDE, JAMES CICHANOFSKY, ROGER  
MILLER, and GEORGE NOWLIN,

Plaintiffs,

v.

CNH GLOBAL N.V. and CNH AMERICA  
LLC,

Defendants.

Case 2:04-cv-70592-PJD-PJK

Hon. Patrick J. Duggan, U.S.D.J.

Hon. Paul J. Komives, U.S. Mag. J.

**NOTICE REGARDING PLAINTIFFS' PENDING  
MOTION REGARDING THE CURRENT SCHEDULING ORDER**

CNH Global N.V. and CNH America LLC (referred to collectively as "CNH") hereby provide notice of an alternative resolution to Plaintiffs' pending motion to extend the current scheduling order (R. 344). Plaintiffs' motion is fully briefed, but the parties have sought in good faith to avoid a ruling on the motion and agree to an extension of the current schedule. The parties came close but were unable to reach an agreement. The fundamental difference between the parties is that Plaintiffs insist on "dates certain" in the schedule, and CNH prefers to focus on the intervals between events:

<b>Deadline</b>	<b>CNH's View</b>	<b>Plaintiffs' View</b>
Plaintiffs' expert reports due	45 days following service of CNH's supplemental interrogatory responses	August 5, 2013 <sup>*</sup>

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<sup>\*</sup> This date is forty-seven days after CNH's deadline to supplement its interrogatory responses. (R. 346, Order 11.)

<b>Deadline</b>	<b>CNH's View</b>	<b>Plaintiffs' View</b>
CNH's expert reports due	21 days following service of Plaintiffs' expert reports	August 26, 2013
Discovery deadline	30 days following service of CNH's expert reports	September 27, 2013
Dispositive-motion deadline	18 days following discovery deadline	October 15, 2013
Responses to dispositive motions	24 days following filing of dispositive motion	November 8, 2013
Replies in support of dispositive motions	7 days following filing of response to dispositive motions	November 15, 2013

In addition to being consistent with the approach of the Federal and Eastern District of Michigan Rules of Civil Procedure—which routinely cast deadlines in terms of the previous event rather than a date certain—CNH’s approach allows for *but does not require* more rapid performance of the tasks remaining during this remand. CNH reiterates its opposition to any extension of the current schedule, as discussed in CNH’s response to Plaintiffs’ motion (R. 345). However, if the Court is inclined to grant any extension of the schedule, it should grant one reflecting CNH’s approach, which is reflected in the stipulated order proposed by CNH to Plaintiffs (Ex. 1).

Dated: May 29, 2013

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Respectfully submitted,

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*Attorneys for CNH Global N.V. and CNH America LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on I hereby certify that on May 29, 2013, I electronically filed the foregoing **Notice Regarding Plaintiffs' Pending Motion Regarding the Current Scheduling Order** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

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